

CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, MAY 16, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

A Special Meeting is called at 5:30 p.m. for the purpose of conducting a Workshop on the Brown Act and Conflict of Interest.

Dennis Kennedy, Mayor/Chairperson

5:30 P.M. – 6:30 P.M.

CALL TO ORDER

(Mayor/Chair Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2
(City Clerk/Agency Secretary Torrez)

WORKSHOP: BROWN ACT AND CONFLICT OF INTEREST

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Finance

Lisa Maier
Accounting Assistant II

Marla Anderson
Accounting Assistant I

Police Department
Shane Palsgrove
Police Office

PROCLAMATION

National Public Works Week
May 20, 2001 - May 26, 2001

PRESENTATION

Senior Resource Day
Terri Nelson, Executive Director of Mt. Madonna YMCA

Compact for Sustainable Bay Area
Charlotte Powers

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS
ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #15 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	
1) <u>APRIL 2001 FINANCE AND INVESTMENT REPORT</u>	1
<u>Recommended Action(s):</u> <u>Accept and File</u> Report.	
2) <u>BI-ANNUAL VACANCY RATE SURVEY</u>	29
<u>Recommended Action(s):</u> <u>Establish</u> the Bi-annual Vacancy Rate for April 2001 as Recommended by the Planning Commission.	
3) <u>APPROVAL OF ENCROACHMENT PERMIT WITH ALIEN TECHNOLOGIES FOR CONSTRUCTION OF A PRIVATE FIBER OPTIC CABLE</u>	39
<u>Recommended Action(s):</u> <u>Approve</u> Encroachment Agreement thereby Allowing Alien Technology to Construct a Private Conduit and Fiber Optic Cable within Public right-of-way Connecting Their Two Buildings in the Morgan Hill Business Ranch.	
4) <u>APPROVAL OF AMENDMENTS TO AGREEMENT WITH VTA TO RECEIVE MEASURE B, TEA 21 AND RABA FUNDS FOR PAVEMENT MAINTENANCE</u>	55
<u>Recommended Action(s):</u>	
1) <u>Approve</u> Amendments to the Agreement with VTA to Receive Measure B, TEA 21 and RABA Funds; and	
2) <u>Authorize</u> the City Manager to Execute the Amendments on Behalf of the City.	
5) <u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9050, KENDAL HILL SUBDIVISION</u>	67
<u>Recommended Action(s):</u>	
1) <u>Adopt</u> Resolution No. 5474, Accepting the Subdivision Improvements included in Tract 9050, Commonly Known as Kendal Hill; and	
2) <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
6) <u>2000 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY</u>	73
<u>Recommended Action(s):</u> <u>Informational Item Only.</u>	
7) <u>APPROVE PURCHASE OF A PORTABLE 150 KW GENERATOR FOR WELL SITES AND BOOSTER</u>	

	<u>STATIONS</u>	75
	<u>Recommended Action(s):</u> <u>Approve</u> the Purchase of an Elliott Magnetek MD 150 QD (MTG41) Trailer (Magnetek TED 10000) Mounted Generator from Pac Machine Co., Inc.	
8)	<u>AMICUS REQUEST FROM CITY OF THOUSAND OAKS REGARDING PETITION FOR REVIEW IN AMELCO ELECTRIC V. CITY OF THOUSAND OAKS</u>	77
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Attorney to Join the League of California Cities in Support of the amicus brief to be filed with the California Supreme Court on behalf of the City of Thousand Oaks in <i>Amelco Electric v. City of Thousand Oaks</i> .	
9)	<u>APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MH ENGINEERING FOR DESIGN OF BUTTERFIELD BOULEVARD EXTENSION FROM SAN PEDRO TO TENNANT</u>	85
	<u>Recommended Action(s):</u>	
	1) <u>Approve</u> Supplemental Proposal; and	
	2) <u>Authorize</u> the City Manager to Execute an Amendment to the Professional Services Agreement with MH Engineering for Design of Butterfield Boulevard from Tennant Avenue to San Pedro Avenue Increasing the Amount from \$101,660 to \$120,622.	
10)	<u>DRAFT COMPACT FOR A SUSTAINABLE BAY AREA</u>	89
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5475 Supporting Draft Compact.	
11)	<u>CITY POSITION ON STATE LEGISLATION</u>	93
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Prepare Letters Stating the City's Legislative Position for the Mayor's Signature.	
12)	<u>ACCEPT CONSTRUCTION FOR NORDSTROM PARK WELL AND DIANA WELL NO. 3</u>	101
	<u>RECOMMENDED ACTION(S):</u>	
	1) <u>Accept</u> as Complete the Construction of Nordstrom Park Well and Diana Well No. 3 Project in the Final Amount of \$581,300; and	
	2) <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
13)	<u>AWARD OF CONTRACT FOR CONSTRUCTION OF LED TRAFFIC LIGHT CONVERSION PROJECT</u>	105
	<u>Recommended Action(s):</u>	
	1) <u>Appropriate</u> an Additional Amount of \$154,138 for the Replacement of Incandescent Traffic Signal Lights with Light Emitting Diode (LED) Traffic Signal Lights from Our Unappropriated Street Fund Balance, and	
	2) <u>Award</u> Contract to Republic Electric for the Construction of LED Traffic Light Conversion Project in the Amount of \$202, 821.	
14)	<u>REQUEST TO EXTEND THE APPLICATION FILING PERIOD FOR THE RECRUITMENT OF PERSONNEL COMMISSIONERS</u>	107
	<u>Recommended Action(s):</u> <u>Authorize</u> Staff to Extend the Application Filing Period for the Recruitment of Personnel Commissioners to June 15, 2001 or Until Filled.	
15)	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 4, 2001</u>	109

PUBLIC HEARINGS:

Time

	Estimate		Page
16)	30 minutes	<u>OUT OF AGENCY SERVICE REQUEST, OSR-00-04: BURNETT - KAWAHARA</u> <i>Continued from April 4, 2001</i> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Adopt</u> Resolution No. 5477 Approving Forwarding the Request to LAFCO.	111
17)	10 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA 00-04: E. DUNNE - FIRST COMMUNITY HOUSING</u> Recommended Action: Request staff presentation. Public Hearing closed. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1509, N.S. Approving the Development Agreement Amendment (DAA); and <u>Motion to Introduce</u> Ordinance No. 1509, N.S. by Title Only.	133
18)	5 minutes	<u>APPLICATION ZA-01-07: AMENDMENT TO CHAPTER 2.56 OF THE MUNICIPAL CODE TO ALLOW NON-CITY RESIDENTS TO SERVE ON THE ARCHITECTURAL AND SITE REVIEW BOARD</u> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1510, N.S. Approving the Municipal Code Amendments; and <u>Motion to Introduce</u> Ordinance No. 1510 N.S. by Title Only.	143
19)	20 minutes	<u>APPLICATION AP-01-02: APPEAL OF PLANNING COMMISSION DENIAL OF AN EXTENSION OF TIME FOR A VARIANCE APPROVAL: MONTEREY - OAK GLEN PLAZA</u> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Adopt</u> Resolution No. 5476 Granting the Appeal and Approving a One-year Extension of Time on the Variance Approval; OR Action - <u>Motion to Adopt</u> Resolution No. 5478 Upholding the Planning Commission Denial of the Extension of Time.	147

20)	10 minutes	<u>ORDINANCE REGARDING SIDEWALK ENCROACHMENTS</u> 173
		<u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No.1507, N.S. Repealing the Existing Chapter 12.04 of the Municipal Code regarding Sidewalk Use and Add a New Chapter 12.04 of the Municipal Code Regarding Sidewalk Encroachments; and <u>Motion to Introduce</u> Ordinance No. 1507, N.S. by Title Only.
21)	5 minutes	<u>ORDINANCE REGARDING LOITERING</u> 181
		<u>Recommended Action:</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1508, N.S. Repealing the Existing Chapter 9.10 of the Municipal Code regarding Loitering and Add a New Chapter 9.10 of the Municipal Code Regarding Loitering; and <u>Motion to Introduce</u> Ordinance No. 1508, N.S. by Title Only.

OTHER BUSINESS:

	Time Estimate		Page
22)	5 minutes	<u>AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY INC. TO CO-SPONSOR THE JULY FOURTH CELEBRATIONS</u> 187	
		<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Sign the Agreement to C o - sponsor the July F o u r t h C e l e b r a t i o n s and S u p p o r t I n d e p e n d e n c e D a y , I n c . b y C o n t r i b u t i n g F u n d i n g a n d I n - k i n d S e r v i c e s N o t t o E x c e e d \$14,100.	

23)	30 minutes	<u>PROPOSED 2001/02 BUDGET</u>	195
		<u>Recommended Action(s):</u>	
		1) <u>Review</u> the City Manager's Proposed 2001/02 Budget & Capital Improvement Program (CIP);	
		2) <u>Set</u> June 8, 2001 as a Budget workshop & June 15, 2001 as a CIP Workshop; and	
		3) <u>Set</u> June 20, 2001 as a Public Hearing for Adoption of the 2001/02 Budget.	
		<u>SECOND READING OF ORDINANCE:</u> Full Reading Waived By Majority Vote. (Government Code Section 36934) Action -- <u>Adopt</u> Ordinance by roll call vote.	
24)	1 minute	<u>ADOPT ORDINANCE NO. 1506, NEW SERIES</u>	211
		An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1440, N.S., to Amend the Development Agreement for Application MP-98-09: Nina Lane - Doan to Allow for a 90-Day Extension of Time (APN 817-60-021)	

City Council & Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #25 through #26 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time		
	Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
25)		<u>APPROVAL OF JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 25, 2001</u>	217
26)		<u>APPROVAL OF JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 2, 2001</u>	237

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

Time
Estimate

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(c) (one case)

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of

City Negotiators:	Cochrane Road (St. Louise Hospital property) Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

3.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority	Government Code 54956.8
Property:	APN 817-13-001; 37.8 acres (soccer complex)
Negotiating Parties:	
For City:	City Manager, City Attorney, Public Works Director
For Property Owners:	Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation:	Price and Terms of Payment

4.

CONFERENCE WITH LABOR NEGOTIATOR

Authority:	Government Code Section 54957.6
Agency Negotiators:	Ed Tewes, City Manager; Melissa Stevenson Dile, Assistant to City Manager; Helene L. Leichter, City Attorney
Employee Organization:	AFSCME Local 101, Morgan Hill Community Service Officers Association, Morgan Hill Police Officers Association, and Unrepresented Management Employees
	Chief of Police
	Director of Business Assistance & Housing Services
	Director of Community Development
	Director of Finance
	Director of Public Works/City Engineer
	Human Resources Director
	Assistant to the City Manager
	Council Services and Records Manager

Middle Management - Group 1-B
Police Captain
Deputy Director of Public Works
Deputy City Attorney
Deputy Director of Finance
Chief Building Official
Human Resources Supervisor
Planning Manager
Recreation Manager
Senior Civil Engineer
Budget Manager
Business Assistance and Housing Services Manager
Police Support Services Supervisor
Senior Planner
Utility Systems Manager
Recreation Supervisor
Secretary to the City Manager

ADJOURN TO CLOSED SESSION:

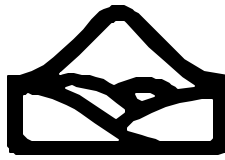
RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY OF MORGAN HILL
COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.